

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEITH MURRAY,

Plaintiff,

-against-

08 Civ. 2160 (LAK)

UNITED PARCEL SERVICE OF AMERICA, INC., et al.,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiff moves for an order compelling the UPS defendants ("UPS") to disclose to him the identity of a material witness designated by them as a "Confidential Informant," and awarding to him the reasonable attorney's fees occasioned by this motion. (DI 17)

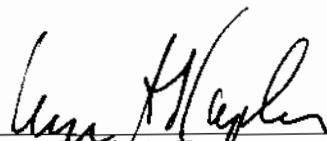
It appears that UPS failed without any excuse to disclose even the existence of the so-called Confidential Informant, let alone the witness's identity, when obliged to do so under Rule 26. When it finally and belatedly disclosed the existence, but not the name, of the witness, it refused to provide the name absent plaintiff's agreement to conditions he found unacceptable.

The crux of the dispute is UPS's desire to prevent plaintiff from revealing the witness's identity outside of this litigation or from indicating in depositions of UPS personnel that the witness served as a confidential informant. There is nothing unreasonable about these concerns, as UPS has a legitimate interest in encouraging employees to report suspected misconduct in confidence, subject to the legitimate demands of any litigation that may ensue.

Accordingly, the motion is granted to the extent that UPS forthwith shall identify the Confidential Informant to plaintiff's counsel. Plaintiff, however, is directed not to disclose the identity of the Confidential Informant outside this litigation and may not in the course of depositions of UPS personnel disclose the Confidential Informant's role as a confidential informant.

SO ORDERED.

Dated: July 9, 2008


Lewis A. Kaplan
United States District Judge

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